



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 8389	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/009662	International filing date (day/month/year) 29 August 2003 (29.08.2003)	Priority date (day/month/year) 13 September 2002 (13.09.2002)
International Patent Classification (IPC) or national classification and IPC B31B 1/74		
Applicant WINDMÖLLER & HÖLSCHER KG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

PCT AVAILABLE COPY

Date of submission of the demand 11 December 2003 (11.12.2003)	Date of completion of this report 24 June 2004 (24.06.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/009662

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-14 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-14 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages _____ 1/7-7/7 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

BEST AVAILABLE COPY

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/09662

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims		YES
	Claims	1-14	NO
Inventive step (IS)	Claims		YES
	Claims	1-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: WO 02/43878 A (HURDELBRINK JOERG; BORST WILLI
(DE); HENKEL KGAA (DE); KELS VOLKER) 6 June 2002
(2002-06-06)

D2: EP-A-1 147 822 (WINDMOELLER & HOELSCHER)
24 October 2001 (2001-10-24)

Claim 1:

1. D1 (see pages 1 to 27) discloses an operating station for a bottom folding device for crossbottom sacks (11), wherein the bottom folding device has a gluing station (3), in which the glue format (cf. pages 24 to 27) that is applied to components of the sack (11) to be glued is defined by glue traces, the shape of which is determined by the opening and closing of valves (17), and wherein the gluing station (3) is connected to a data processor (6), by means of which the selective opening and closing of the valves (17) can be carried out, wherein there are filed in the memory of the data processor (6) digital reference images of the glue traces (3) defining the glue format (cf. pages 24 to 27), and

wherein there is provided a display element (cf. page 12, lines 11 to 14) with which the glue application (208) to sack components (1, 2, 48) can be displayed.

2. The subject matter of **claim 1** is therefore not novel (PCT Article 33(2)).

Claim 10:

3. D2 (see column 3, lines 32 to 44; and figure 1) discloses a method for operating a bottom folding device, wherein the digital reference images (i.e. format),
- which determine the shape of the glue traces and which are filed in the memory of the data processor (14), are modified or supplemented
 - by the transmission of data to the operating station via a keyboard (26) and/or digital interfaces.
4. The subject matter of **claim 10** is therefore not novel (PCT Article 33(2)).

Dependent claims:

5. Dependent **claims 2 to 9 and 11 to 14** do not contain any features which in combination with the features of any claim to which they refer back meet the PCT requirements for novelty (PCT Article 33(2)) and inventive step (PCT Article 33(3)). The features of the claims listed below also appear to be known at least *per se* from the documents indicated, and/or the features concern only minor modifications of the

REST AVAILABLE COPY

operating station or of the operating method as defined in claim 1 or claim 10 of the kind that a person skilled in the art routinely makes on the basis of familiar considerations, especially since the resulting advantages are readily foreseeable.

See the following specific references for the claims indicated:

Claims 2 to 9: D1 - the whole document

Claims 11 to 14: D2 - the whole document.

re Certain defects in the international application

6. Contrary to the requirements of PCT Rule 5.1(a)(ii), the closest prior art has not been indicated in the description.

BEST AVAILABLE COPY